

S.B.CIVIL WRIT PETITION NO.3623/2006

Jawala Singh
V.
State of Rajasthan & Anr.

Date of Order :: 11th December, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. G.R.Punia]
Mr. Y.P.Khileree] for the petitioner.
Mr. Shyam Ladreacha, Additional Government Advocate.

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The petitioner entered in the services of the respondents being appointed as Technical Assistant (Hydrogeology) under an order dated 30.1.1982. At the time of appointment pay of the petitioner was fixed at Rs.630/- in the pay scale of Rs.550-1010. The pay scale aforesaid came to be revised as of Rs.740-1420 under the Rajasthan Civil Services (Revised) Pay Scales Rules, 1983 (hereinafter referred to as "the Rules of 1983"). The respondents at the time of making fixation of the petitioner's pay in the pay scale of Rs.740-1420 allowed basic pay of Rs.740/- i.e. the minimum of the revised pay scale.

This petition for writ is preferred by the petitioner being aggrieved by fixation of the petitioner at minimum of the revised pay scale. According to counsel for the petitioner, the petitioner is required to be fixed in the pay scale of

Rs.740-1420 at a step corresponding to Rs.630/-, the point at that pay of the petitioner was settled in the pay scale of Rs.550-1010.

A reply to the writ petition has been filed on behalf of the respondents stating therein that fixation of the petitioner at Rs.740/- was made much back in the year 1983, therefore, the petition for writ suffers from delay and on that count the same deserves to be dismissed. On merits, it is stated by the respondents that the petitioner at the time of revision of the pay scale was having the basic pay of Rs.630/-, therefore, on revision of the pay scale he was rightly fixed at the minimum of the revised pay scale.

Heard counsel for the parties.

It is not in dispute that in the pay scale of Rs.550-1010 the basic pay of the petitioner was of Rs.630/- and the pay scale referred above came to be revised under the Rules of 1983 as of Rs.740-1420. The table No.16 under the Rules of 1983 prescribes various steps whereon fixation of the pay of a government servant is required to be made in the revised pay scale. According to table No.16 a government servant having the basic pay of Rs.630/- is required to be fixed at Rs.840/- in the revised pay scale of Rs.740-1420. Such fixation is required to be made in

accordance with Rule 11 of the Rules of 1983. In view of the table of fixation No.16 under the Rules of 1983 the petitioner being getting the basic pay of Rs.630/- in the pay scale of Rs.550-1010 is entitled to be fixed at the basic pay of Rs.840/- in the pay scale of Rs.740-1420. The respondents, therefore, committed an error while making fixation of the petitioner's pay at a step less than Rs.840/- in the revised pay scale of Rs.740-1420.

This petition for writ, therefore, deserves acceptance, hence the same is allowed. The respondents are directed to make fixation of the petitioner's pay at the basic of Rs.840/- in the pay scale of Rs.740-1420 with effect from the date the Rules of 1983 came into force. The petitioner shall also be entitled for all benefits consequent to the directions given above.

No order to costs.

(GOVIND MATHUR),J.

kkm/ps.